

Geriatric Parole Workgroup

July 2019

Justice Reinvestment Oversight Board

Governor's Office of Crime Control and Prevention

Membership

- Christine Burke Maryland Parole Commission
- Russell Butler Maryland Crime Victims' Resource Center
- Hon. Kathleen Cox Maryland Judiciary, Court of Appeals
- Paul Dewolfe Office of the Public Defender
- Del. Kathleen Dumais Montgomery County
- David Eppler Attorney General's Office
- Travis Gayles Local Health Department, Montgomery County
- Rob Green Local Detention, Montgomery County
- Sen. Michael Hough District 4
- Scott Shellenberger Baltimore County

JRA Eligibility Criteria

- Age 60 or older
- Only available to (2-3x) repeat violent offenders sentenced under §14-101
- No registered or registerable sex offenders under CPA Title 11, Subtitle 7
- Served at least 15 years of a sentence ranging from mandatory minimum 25 years to life.

Initial Barriers to Parole

- Few individuals sentenced to mandatory minimums under the subsequent violent offense statute
- Many otherwise eligible inmates have consecutive sentences, causing a conflict between two parole eligibility criteria, one under § 14-101 and another under § 7-301
- Current parole process for lifers has multiple procedural delays and other barriers for geriatric-aged inmates

Current Geriatric Population

Of the **1,185** geriatric (aged 60+) inmates currently in Maryland's prisons:

- **Most are not lifers.** Only 39% of inmates over age 60 are serving life sentences.
- **Most committed violent crimes.** 82% of geriatric inmates (790) are serving sentences for violent crimes. Of those, the population is almost evenly split between those serving life sentences (464) and those serving non-life sentences (508).
- **Most are parole eligible.** 83.6% of all geriatric inmates are serving parolable sentences under § 7-301. 428 of these parolable inmates are serving non-life violent sentences, the remainder have non-parolable or partially parolable sentences.
- **One fifth of geriatric inmates have likely been rejected for parole.** 238 non-life sentenced inmates currently meet the time served criteria under 7-301, but are still in custody. As part of classification, all of these inmates have already been assessed for risks and needs.

Geriatric Population Drivers

- **Gubernatorial oversight is not a major limiting factor.** Most of the violent inmates (52%) are eligible for some form of parole not requiring the Governor's approval.
- **Lengthy violent sentences drive geriatric parole.** Most geriatric inmates have not yet met their parole eligibility date. Only 40.6% (268) of inmates over 60 have met the minimum time served requirement for their offense. The remaining 59.3% (392) of non-life sentenced geriatric inmates who could be eligible for parole have not had a hearing yet.
- **Risk assessments are not tailored to the geriatric population, and do not drive release.** Currently used risk screeners vary in the weight given to dynamic indicators, like age and physical capacity, which disproportionately impact the geriatric population. Conversely, cognitive and behavioral declines associated with advanced age can also inflate dynamic assessments of risk.
- **Geriatric inmates will increase markedly.** The workgroup evaluated eligibility criteria for the 60+ and the 55-59 population simultaneously. In the next 5 years, the number of geriatric inmates could nearly double.

Workgroup Recommendations

Migrate Geriatric Parole to 7-301

- Applicable to all inmates age 60+ eligible for parole
- Upon turning 60, require geriatric parole hearing within 6 months, regardless of scheduled rehear date
- Base parole decision heavily on a dynamic risk screener and strength-based reentry case planning
- Effective October 1, 2020

Specific Reentry Pilot

Support pilot expansion with funding for:

- Reentry case managers to guide connection to community-based resources
- Presumptive eligibility and pre-release healthcare navigation
- Expand usage of home detention or residential reentry centers
- Refer parolees to and fund peer support and senior programs to address needed social connections

Reinvest Year 2 and onward savings to continue expanding geriatric reentry

Improve Outcome Reporting

Semiannually, the Maryland Parole Commission will report to the JRA Oversight Board the outcomes of geriatric parole, including:

- Refusal reasons
- Release rates
- Average hearing timeline
- Geriatric recidivism rate

Proposed Eligibility Criteria

- Age 60 or older
- No life sentenced inmates
- No inmates with non-parolable or partial parolable offenses
- No registered or registerable Tier I-III sex offenders
- Must meet the §7-301 parole eligibility criteria
 - 25% of nonviolent sentence
 - 50% of violent sentence

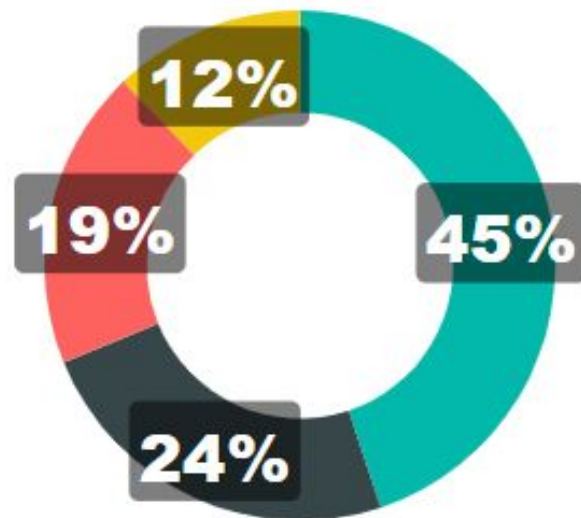
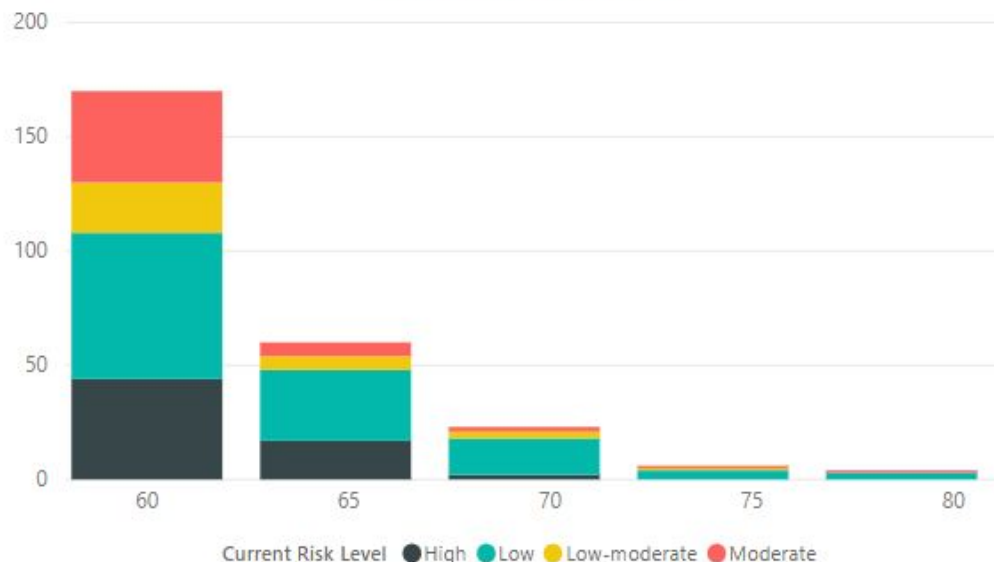
Potential Impacts

- 265 inmates will be eligible by the end of CY 2020
- 445 inmates are potentially eligible
- Currently eligible inmates vary between age 60-82, with most between the age of 60-65.
- Calculated victim impact is 95 victims who have requested notification
- This population is largely low risk despite their violent offenses
- Many within this group have been denied or delayed for a hearing already

Data source: Extract taken from the Offender Case Management System on 7/4/2019 of inmates eligible as of 7/8/2019

Risk Level

Risk Level Over Time



Current Risk Level Low High Moderate Low-moderate

Data source: Extract taken from the Offender Case Management System on 7/4/2019 of inmates eligible as of 7/8/2019

Old vs. Proposed Criteria Comparison

JRA Expansion

- Age 60 or older
- Includes mandatory life sentenced inmates
- Only available to (2-3x) repeat violent offenders sentenced under § 14-101
- No registered or registerable sex offenders under CPA Title 11, Subtitle 7
- Has served at least 15 years of a sentence ranging from mandatory minimum 25 years to life.

Proposed Expansion

- Age 60 or older
- No life sentenced inmates
- Applies to both nonviolent and violent inmates
- No inmates with non-parolable or partial parolable offenses
- No registered or registerable Tier I-III sex offenders
- Must meet the § 7-301 parole criteria
 - 25% of nonviolent sentence
 - 50% of violent sentence

Total Eligible: 0

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